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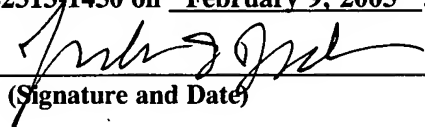
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas BRUEMMER
Serial No. : 10/509,817
Filed : January 5, 2005
For : INSTANT MODIFIED FLOUR
Group Art Unit : (Not yet known)
Examiner : (Not yet known)

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Frank J. Jordan
(Name)


(Signature and Date)

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SUBMISSION OF ENGLISH TRANSLATION OF
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

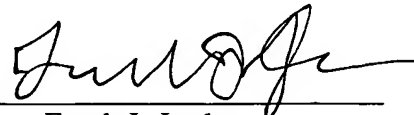
Sir:

Submitted herewith is the English translation of the International Preliminary Examination Report (Form PCT/IPEA/409).

Respectfully submitted,

JORDAN AND HAMBURG LLP

By



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FJJ/cj/Enc.

English translation of the International Preliminary Examination Report

Rec'd PCT/PTO 04 FEB 2003

10/509817

PCT/CH2003/000111

PATENT COOPERATION TREATY



Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ES 002-P/WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH2003/000111	International filing date (day/month/year) 17 February 2003 (17.02.2003)	Priority date (day/month/year) 02 April 2002 (02.04.2002)
International Patent Classification (IPC) or national classification and IPC A23P 1/02, A23L 1/164, 1/168, B01J 2/00		
Applicant BÜHLER AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 07 August 2003 (07.08.2003)	Date of completion of this report 02 April 2004 (02.04.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (July 1998)

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2003/000111

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages _____ 1-17 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-32 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/6-6/6 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH 03/00111

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-32	YES
	Claims		NO
Inventive step (IS)	Claims	1-32	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-32	YES
	Claims		NO

2. Citations and explanations

- Document US 5902629 (D1) is regarded as the closest prior art and describes a process and installation for producing a starch-containing powder.
- The process claimed in the present application (see claim 1) and the likewise claimed installation for implementing the same (see claim 26) differ from D1 in that a pre-conditioner that contains a mixing chamber and a processing chamber is used, as well as an agglomerator that contains a mixing chamber and a processing chamber.
- The features mentioned in point 2 permit the degree of agglomeration of the powder particles to be varied in a wide range, by adapting the dwelling time and/or other processing parameters in the mixing or processing chamber of the agglomerator. Powders can thus be produced with agglomerates that are sufficiently large to be immediately and entirely wetted by liquids, without clumping. In view of the particularities of the production process as per claim 1, it must be assumed that the products obtained by this process (see claims 31 and 32) possess special structural properties due to the

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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process used.

4. The subject matter of the present application solves the problem of providing a process for producing starch-containing flours or powders, in which method the degree of agglomeration of the products in question can be influenced in such a way that they show very good wettability and solubility, i.e. improved instantaneity.
5. The solution proposed in the application is regarded as novel and inventive because it was not disclosed or suggested by the prior art.
6. Claims 1, 26 and 31 therefore meet the requirements of PCT Article 33(2) and 33(3).

Dependent claims 2-25, 27-30 and 32 are dependent on claims 1, 26 and 31, respectively, and therefore likewise meet the PCT novelty and inventive step requirements.